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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 DOSTART CLAPP GORDON &  
12 COVENEY, LLP,

Plaintiff,

13 vs.

14 UNITED STATES DEPARTMENT OF  
15 LABOR,

Defendant.


CASE NO. 08 CV 0863 JM (AJB)

**ORDER DENYING AS MOOT  
MOTION TO DISMISS**

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17 Defendant moved to dismiss Plaintiff's original complaint on June 13, 2008. (Doc. no. 7.)  
18 Plaintiff then filed a first amended complaint ("FAC") as a matter of right, see Fed R. Civ. Proc. R.  
19 15(a), on July 9, 2008. The court therefore **DENIES** as moot Defendant's motion to dismiss the  
20 original complaint.

21 **IT IS SO ORDERED.**

22 **DATED: July 10, 2008**

23   
24 **Hon. Jeffrey T. Miller**  
**United States District Judge**